

DETAILED ACTION

1. Claims 1-8, 10, 11, 13-16, 19, 22, 23 and 26-32 have been examined. Application 09/602,971 (Internet based network for automotive applications including the facilitation of e-commerce and e-business, and management of wireless connectivity with vehicles) has a filing date 06/23/2000.

Response to Amendment

2. In response Non Final Rejection filed 07/27/09, the Applicant filed an Amendment on 12/23/09, which amended claims 1, 13, 19.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10, 11, 13-16, 19, 22, 23 and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witkowski (US 7,257,426) in view of Treyz (US 6,526,335) and further in view of Treyz (US 6,587,835).

As per claims 1 and 13, Witkowski teaches:

A network system for effectuating data communication between a vehicle and a data processing resource, said system comprising:

An in vehicle monitoring unit for monitoring vehicle operations and for providing vehicle related information (see figure 4 item 10a; col 12, line 56 – col 13, line 15);

an in-vehicle device in operative communications with the in-vehicle monitoring unit and installed in said vehicle, said in-vehicle device having a first wireless network connectivity interface (see figure 4 item 10b); and

store display, said store display equipped with a communication interface device (see col 9, lines 60-67 “drive-through menu board”; col 13, lines 1-5 “website of the manufacturer of the vehicle”) having:

a second wireless network connectivity interface, said second wireless network connectivity interface adapted to data communicates with said first wireless network connectivity interface (see figure 4, item 10a;) and

communication interface to communicate data between said second wireless network connectivity interface and said data processing resource (see figure 4 item 48; col 13, lines 1-5 “remote database”), the communication interface communicating the vehicle related information from said in-vehicle monitoring unit via the in-vehicle device to said data processing resource for processing by the data processing resource (see col 10, lines 1-15 “vehicle location is detected approaching a drive through menu board”; col 13, lines 1-15 “malfunction is reported to the manufacturer”),

a presentation device for presenting information to the customer (see col 10, lines 1-25),
the data processing resource communicates the selection information to the store and *the presentation device presents the selection information to the customer in order to aid the customer in* selecting the at least one of the products for sale responsive to the

vehicle related information (see col 10, lines 1-25 "menu information is downloaded to the vehicle display system"; col 13, lines 1-10 "warranty and part information are accessed through the manufacturer website"). Witkowski does not expressly teach that said store display is physically adapted to hold a plurality of products for sale to and accessible by a customer *wherein the data processing resource generates selection information for aiding the customer in selecting at least one of the plurality of products for sale physically held by the store display, the selection information dependent on the vehicle related information from the in-vehicle monitoring unit*. However, Treyz teaches a mobile device which can be used in an vehicle (see Treyz 835 col 4, lines 1-5; Treyz 335 col 2, lines 60-65) where said in vehicle mobile device can wirelessly connect with a service facility or a dealer in order to monitor vehicle operations (see Treyz 335 col 82, lines 5-25) to order products or services from said dealer or service facility (see Treyz 335 col 83, lines 15-30) and where said mobile device wirelessly communicates with merchants (See Treyz 335 col 10, lines 39-55; Treyz 835 col 10, lines 33-45) . Treyz also teaches that said mobile device can also wirelessly connect with a store display physically adapted to hold a plurality of products for sale to and accessible by a customer (see Treyz 835 col 25, lines 5-35; col 29, line 40 – col 30, line 25) in order that a customer obtains information about products available in a physical store and place an order (see Treyz 835 col 30, lines 3-67). Treyz 835 also teaches that information and services may be provided by remote server at a service provider (i.e. data processing resource) (see Treyz 835 col 30, lines 1-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that

Witkowski's in vehicle mobile device would wirelessly communicate with a store display physically adapted to hold a plurality of products for sale to and accessible by a customer and equipped with an RF communication interface, as taught by Treyz in order to wirelessly identify items inside a retail store and use the mobile device to place an order for the items.

As per claims 2 and 14, Witkowski teaches:

wherein said communication interface device further comprises:

a wireless data connection, said wireless data connection adapted to effectuate a data connection with a wireless device (see col 10, lines 1-25).

As per claims 3 and 15, Witkowski teaches:

wherein said wireless data connection includes at least one of the following:

a wireless transceiver interface (See col 10, lines 1-25);

said wireless device interface;

a wireless modem interface;

a wireless phone interface; or

a wireless data link (see col 10, lines 1-25).

As per claims 4 and 16, Witkowski teaches:

wherein said wireless device is at least one of the following:

a wireless phone;

a personal data assistant (see column 1, lines 20-30);

a pager;

a personal computer ;

an Internet appliance; or
a programmable storage device.

As per claim 5, Witkowski teaches:

wherein said in-vehicle device further comprises:

a wireless data connection, said wireless data connection adapted to effectuate a data connection with a wireless device (see col 10, lines 1-25).

As per claim 6, Witkowski teaches:

wherein said wireless data connection includes at least one of the following:

a wireless transceiver interface;
said wireless device interface;
a wireless modem interface;
a wireless phone interface; or
a wireless data link (see col 10, lines 1-25).

As per claim 7, Witkowski teaches:

wherein said wireless device is at least one of the following:

a wireless phone;
a personal data assistant (see column 1, lines 20-30);
a pager;
a personal computer;
an Internet appliance; or
a programmable storage device.

As per claim 8, Witkowski teaches:

wherein said first wireless network connectivity interface, said second wireless network connectivity interface and said communication interface include at least one of the following communication interface types:

- a wired data link;
- a wide area network connection;
- a network connection (see col 2, lines 60-67);
- a universal serial bus port;
- a personal data assistant interface;
- an RS232 interface;
- an RS485 interface;
- a carrier current interface;
- a network connection to the Internet;
- a modem interface;
- a wireless modem interface;
- a wireless phone transceiver;
- a wireless phone interface;
- a wireless data link; or
- a local area network interface.

As per claim 10, Witkowski teaches:

wherein said data processing resource is one of the following:

- a global network data processing resource;
- a global network server (see col 2, lines 10-45);

- a global network application server;
- a global network database;
- a virtual private network
- an emergency monitoring network;
- a second communication interface device;
- a second in-vehicle device;
- a personal computer;
- a wireless phone;
- a personal data assistant;
- a pager;
- a pocket sized personal computer;
- a programmable storage device; or
- an Internet appliance.

As per claim 11, Witkowski teaches:

wherein said first wireless network connectivity interface, said second wireless network connectivity interface and said communication interface data communicate by at least one of the following:

- a wireless connection (see col 10, lines 1-25);
- a wired connection;
- a personal data assistant interface;
- a wireless phone interface;
- an RS232 serial interface;

an RS485 interface;
a USB port interface;
an ethernet connection;
a TCP/IP type network connection;
a PPP type network connection;
a SLIP type network connection;
a socket layer network connection;
BLUETOOTH protocol or standard; or
Wireless Application Protocol or standard.

As per claim 19, Witkowski teaches:

A method of data communicating between an in-vehicle device installed in a vehicle and a data processing resource, said method comprising:

b) routing vehicle related information from an in-vehicle monitoring unit to the in-vehicle device (see figure 4 item 10a; col 12, line 56 – col 13, line 15);

c) communicating a plurality of digital content including vehicle related information wirelessly between the in-vehicle device and the store display equipped with a communication interface device to effectuate data communication of the vehicle related information from said in-vehicle device to said data processing resource (see col 10, lines 1-15 “vehicle location is detected approaching a drive through menu board”; col 13, lines 1-15 “malfunction is reported to the manufacturer”),

d) routing said plurality of digital content from said store display to said data processing resource (see col 10, lines 1-25);

e) generating at said data processing resource a plurality of return digital content including selection information for *aiding the customer in* selecting at least one of the plurality of products for sale (see col 10, lines 101-25 “menu information is downloaded to the vehicle display system”; col 13, lines 1-10 “warranty and part information are accessed through the manufacturer website”).

f) communicating said plurality of return digital content *including said selection information* to said store display (see column 10, lines 1-25);

g) presenting said plurality of return digital content to said customer at said store display *in order to aid the customer in selecting the at least one of the plurality of products for sale physically held by the store display* (see col 10, lines 101-25 “menu information is downloaded to the vehicle display system”; col 13, lines 1-10 “warranty and part information are accessed through the manufacturer website”).

Witkowski does not expressly teach:

a) physically holding by a store display *the selection information dependent on the vehicle related information from the in-vehicle monitoring unit* that is accessible by a customer, a plurality of products for sale; h) physically selecting, by the customer, at said store display the at least one of the products of sale physically held by the store display responsive to the selection information using said presented return digital content. However, Treyz teaches a mobile device which can be used in an vehicle (see Treyz 835 col 4, lines 1-5; Treyz 335 col 2, lines 60-65) where said in vehicle mobile device can wirelessly connect with a service facility or a dealer in order to monitor vehicle operations (see Treyz 335 col 82, lines 5-25) to order products or services from

said dealer or service facility (see Treyz 335 col 83, lines 15-30) and where said mobile device wirelessly communicates with merchants (See Treyz 335 col 10, lines 39-55; Treyz 835 col 10, lines 33-45) . Treyz also teaches that said mobile device also can wirelessly connect with a store display physically adapted to hold a plurality of products for sale to and accessible by a customer (see Treyz 835 col 25, lines 5-35; col 29, line 40 – col 30, line 25) in order that a customer obtains information about products available in a physical store and place an order (see Treyz 835 col 30, lines 3-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Witkowski's in vehicle mobile device would wirelessly communicate with a store display physically adapted to hold a plurality of products for sale to and accessible by a customer and equipped with an RF communication interface, as taught by Treyz in order to wirelessly identify items inside a retail store and use the mobile device to place an order for the items.

As per claim 22, Witkowski teaches:

receiving the selection of one or more of said plurality of return digital content from said customer at said store display (see column 10, lines 1-25).

As per claim 23, Witkowski teaches:

wherein said data processing resource is a global network based data processing resource (see col 14, lines 40-65).

Claim 26, Witkowski teaches:

wherein the store display is configured to accept input from the customer via an input device such that the at least one of the products for sale is selected by the

customer at the store display based on the vehicle related information provided from the in-vehicle device (see col 10, lines 1-25).

Claim 27, Witkowski teaches:

wherein the at least one of the products for sale is physically selected by the customer from the store display (see col 9, line 60 – col 10, line 25).

Claim 28, Witkowski teaches:

wherein the processing resource provides to the store display the selection information regarding the at least one of the products for sale that are compatible with the vehicle related information associated with the vehicle operations and provided from the in- vehicle device (see col 9, line 60 – col 10, line 25).

Claim 29, Witkowski teaches:

wherein the store display includes a display rack for physically holding the products for sale (see col 8, lines 56-67 “service maintenance center”; col 10, lines 1-25 “bank, prescription store, retail store”).

Claim 30, Witkowski teaches:

wherein the vehicle related information includes status information and/or maintenance parts of the vehicle used for physical selection of the products for sale at the store (see col 8, line 55-67).

Claim 31, Witkowski teaches:

wherein the in-vehicle device communicates at least vehicle operations information to the store display to aid the customer in the physical selection of one of the products held by the store display (see col 10, lines 1-25 “menu”).

Claim 32, Witkowski does not expressly teach:

wherein the store display is located within a store and wherein: responsive to the vehicle related information being received from the in-vehicle monitoring unit at the data processing resource, the data processing resource communicates product selection information to the store display for selecting by the user from within the store at least one of the products for sale physically held by store display. However, Treyz teaches a mobile device which can be used in an vehicle (see Treyz 835 col 4, lines 1-5; Treyz 335 col 2, lines 60-65) where said in vehicle mobile device can wirelessly connect with a service facility or a dealer in order to monitor vehicle operations (see Treyz 335 col 82, lines 5-25) to order products or services from said dealer or service facility (see Treyz 335 col 83, lines 15-30) and where said mobile device wirelessly communicates with merchants (See Treyz 335 col 10, lines 39-55; Treyz 835 col 10, lines 33-45) . Treyz also teaches that said mobile device also can wirelessly connect with a store display physically adapted to hold a plurality of products for sale to and accessible by a customer (see Treyz 835 col 25, lines 5-35; col 29, line 40 – col 30, line 25) in order that a customer obtains information about products available in a physical store and place an order (see Treyz 835 col 30, lines 3-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Witkowski's in vehicle mobile device would wirelessly communicate with a store display physically adapted to hold a plurality of products for sale to and accessible by a customer and equipped with an RF

communication interface, as taught by Treyz in order to wirelessly identify items inside a retail store and use the mobile device to place an order for the items.

Response to Arguments

4. Applicant's arguments filed 12/23/09 have been fully considered but they are not persuasive. The Applicant argues that Witkowski fails to teach that the menu information aids a customer in selecting a product that is physically held by the menu board and aiding a customer in selecting product. The Examiner answers that Witkowski's menu information is used by a driver to order items that are contained in a retail store (see col 10, lines 1-25). Therefore, contrary to Applicant's argument, the prior arts teach Applicant's claimed invention.

The Applicant argues that the prior arts fails to teach a data processing resource generates selection information for aiding the customer in selecting at least one of the plurality of products for sale physically held by the store display, the selection information on the vehicle related information from in-vehicle monitoring unit, the data processing resource presents the information to the store display and the presentation device presents selection information to the customer in order to aid the customer in selecting at least one product for sale physically held by the store display. The Examiner answers that Treyz teaches a mobile device which can be used in an vehicle (see Treyz 835 col 4, lines 1-5; Treyz 335 col 2, lines 60-65) where said in vehicle mobile device can wirelessly connect with a service facility or a dealer in order to monitor vehicle operations (see Treyz 335 col 82, lines 5-25) to order products or services from said dealer or service facility (see Treyz 335 col 83, lines 15-30) and

where said mobile device wirelessly communicates with merchants (See Treyz 335 col 10, lines 39-55; Treyz 835 col 10, lines 33-45) . Treyz also teaches that said mobile device can also wirelessly connect with a store display physically adapted to hold a plurality of products for sale to and accessible by a customer (see Treyz 835 col 25, lines 5-35; col 29, line 40 – col 30, line 25) in order that a customer obtains information about products available in a physical store and place an order (see Treyz 835 col 30, lines 3-67). Treyz 835 also teaches that information and services may be provided by remote server at a service provider (i.e. data processing resource) (see Treyz 835 col 30, lines 1-67). Therefore, contrary to Applicant's argument, the prior arts teach Applicant's claimed invention.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LYNDIA C JASMIN can be reached on (571) 272-6782. The official Fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/
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March 26, 2010